

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

BADGER ACQUISITION OF
KENTUCKY LLC,

Plaintiff,

v.

PHOENIX REHABILITATION AND
NURSING CARE, INC. NFP,

Case No.: 3:13-cv-962-JPG-PMF

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Badger Acquisition of Kentucky LLC's ("Badger") Renewed Motion for Default Judgment against Phoenix Rehabilitation and Nursing Care, Inc. NFP ("Phoenix") (Doc. 10). Upon consideration of the record in this case and Badger's Motion and the accompanying affidavits, this Court **GRANTS** Plaintiff's Motion (Doc. 10) and hereby **DIRECTS** the Clerk of Court to enter judgment in favor of Badger and against Phoenix on the following terms:

1. Badger is awarded unpaid principal due under the Note in the amount of \$236,385.38;
2. Badger is awarded interest that accrued under the Note from default through October 31, 2013 in the amount of \$5,012.94;
3. Badger is awarded interest accrued on the Note from November 1, 2013, to the date of this judgment at a per-diem rate of \$58.29, for a total amount due of \$4,488.33 (77 days x \$58.29 per day);
4. Badger is awarded \$54,631.49 for goods and service it provided to Phoenix from January 1, 2013 through the end of September 2013 together with interest in the amount of \$1,005.35;

5. Badger is awarded post-judgment interest pursuant to 28 U.S.C. 1961;
6. Badger is awarded pre-default attorneys' fees in the amount of \$4,421.00.
7. Count III of Badger's claim is **DISMISSED without prejudice.**

Judgment on these terms finally resolves all claims against all parties.

IT IS SO ORDERED

Dated: January 17, 2014

s/J. Phil Gilbert
J. Phil Gilbert
United States District Judge